

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JAMES A. BATTLE, JR.,

Plaintiff,

V.

DAVID HAYNES, *et al.*

## Defendants

Case No. C09-818-RAJ

**ORDER GRANTING DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGMENT AND DENYING  
PLAINTIFF'S MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

The Court, having reviewed plaintiff's amended complaint, the motion for summary judgment of defendants Mitchell, Dunlap and Lund, plaintiff's motion for partial summary judgment, the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, the Plaintiff's objections and the Defendants' response thereto, the Plaintiff's further objections and the Defendants' surreply thereto, and the remaining record, does hereby find and Order:

(1) The Court adopts the Report and Recommendation.

(2) Defendants' motion for summary judgment (Dkt. No. 105) is **GRANTED**.

(3) Plaintiff's motion for partial summary judgment (Dkt. No. 92) is **DENIED**.

**ORDER GRANTING DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT - 1**

1 (4) Plaintiff's amended complaint (Dkt. No. 15) and this action are **DISMISSED**  
2 with prejudice as to defendants Mitchell, Dunlap, and Lund.

3 (5) The Clerk is directed to send copies of this Order to plaintiff, to counsel for  
4 defendants, and to Judge Tsuchida.

5 DATED this 16<sup>th</sup> day of March, 2011.  
6  
7

8   
9

10 The Honorable Richard A. Jones  
11 United States District Judge  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

26 ORDER GRANTING DEFENDANTS'  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT - 2